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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Peter S. Linsley et al.
Serial No : 09/609,915 Examiner: Lorraine Spector, Ph.D.
Filed : July 3, 2000 Group Art Unit: 1647
For : SOLUBLE CTLA4 MUTANT MOLECULES AND USES
THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SIR:

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION**

Dear Sir:

Petitioner, The Bristol-Myers Squibb Company, a corporation organized and existing under the laws of the State of New Jersey and having its primary place of business at P.O. Box 4000, Lawrenceville-Princeton Road, Princeton, New Jersey 08453-4000, in the county of Mercer, represents that it is the owner of the entire right, title and interest in the following U.S. Patents:

- (1) U.S. Patent No. 5,844,095, issued on December 1, 1998 and entitled CTLA4 Ig FUSION PROTEINS, at Reel 8733, Frame 0034 and Reel 8788, Frame 0644.
- (2) U.S. Patent No. 5,851,795, issued on December 22, 1998 and entitled SOLUBLE CTLA4 MOLECULES AND USES THEREOF at Reel 8733, Frame 0034 and Reel 8788, Frame 0644.
- (3) U.S. Patent No. 5,885,796, issued on March 23, 1999 and entitled CTLA4 RECEPTOR AND USES THEREOF, at Reel 8733, Frame 0034 and Reel 8788, Frame 0644.

*See applied
only*

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Attached herewith is a corresponding Certificate under 37 C.F.R. § 3.73(b) establishing Bristol-Myers Squibb Company right as assignee to take action (EXHIBIT 2).

Petitioner, Bristol-Myers Squibb Company hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patents:

- (1) U.S. Patent No. 5,844,095, issued on December 1, 1998;
- (2) U.S. Patent No. 5,851,795, issued on December 22, 1998;
- (3) U.S. Patent No. 5,885,796, issued on March 23, 1999;

and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,844,095; 5,851,795 and 5,885,796 respectively, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 5,844,095; 5,851,795 and 5,885,796 respectively, in the event that any such issued patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 11/28/05

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THE STATEMENT BELOW IS FOR OFFICE USE ONLY

In accordance with the decision granting the petition filed on _____, 2005,
this terminal disclaimer is accepted. The period of patent to lapse specified above has
been accepted as equivalent to _____ months.

Petitions Examiner